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| 21171 7590 12/23/2009 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER VANDERHORST, MARIA VICTORIA | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,418

Applicant(s)

SHIMADA, YOSHIHARU

Examiner

M. VICTORIA VANDERHORST

Art Unit

3688

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,9-12,14-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9-12,14-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

This communication is in response to application 10/824,418, filed on 08/24/2009.

Claims 1-2, 6-7, 9-12, 14-17, and 19-22 are currently pending and have been examined.

Claims 1, 9, 14 and 19 have been amended.

Claims 3-5, 8, 13, 18 and 23 have been cancelled.

Claims 1-2, 6-7, 9-12, 14-17, and 19-22 have been rejected.

Claim Objections

Claims 1, and 9 are objected to because of the following informalities:

Regarding to **claims 1 and 9**, "...of the customer that makes payment ..." should apparently be --...of the customer that makes a payment ... --.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-7, 9-12, 14-17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,985,879 (Walker).

As to claim 1, Walker discloses a visiting customer management system comprising:

a storage medium carried by a customer

(Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5:49-67, Col 6:1-55, Col. 8:4-15. Further Walker discloses that the customer device of his invention has a storage medium. Col 8:16-29),

That stores at least customer identification information of the customer (Col. 3:29-40),

and a first detector that detects in a non-contact manner the customer identification information stored in said storage medium and identifies a visiting customer in a shop

(Col. 3:34-53 and Fig. 1A and Fig. 1B . Further, Walker discloses seller devices that communicate with one or more customer devices , Col. 5: 4-18, which may comprise a point of sale or point of purchase terminals, Col. 5:19-38.

Furthermore, Walker adds, "Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For

example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: 26-46);

a customer information storage device that stores in advance at least the customer identification information and a group to which said customer belongs

(Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, "upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...",Col. 3 : 29-40. Further, Col 5: 4-18);

a visiting-customer information storage device that stores customer identification information detected by said first detector is stored in association with a detection time at which the customer identification information is obtained

(Walker's system comprises "one or more seller devices 112 communicate with one or more customer devices 116 via a network 114", Col. 4: 51-57, Fig. 1A.

Further, a customer provides an identifier at a point of sale (detection time), Col. 3:29-40.

Furthermore, Walker refers to the conditions that the group must satisfy to earn a reward such as "during a specific time" or times during which purchases must be made by one or more customers, Col. 3: 62-67, Col. 4: 1-5); and

a terminal that includes a second detector which detects customer identification information of a customer that makes payment

(Walker's system comprises, "one or more seller devices 112 communicate with one or more customer devices 116 via a network 114", Col. 4: 51-57.

Further, Walker teaches, his system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , "...the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server...", Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26.

Next, Walker teaches, "...one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio

frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof. It should be understood that devices in communication with one another may or may not communicate continuously...", Col. 6:40-45.

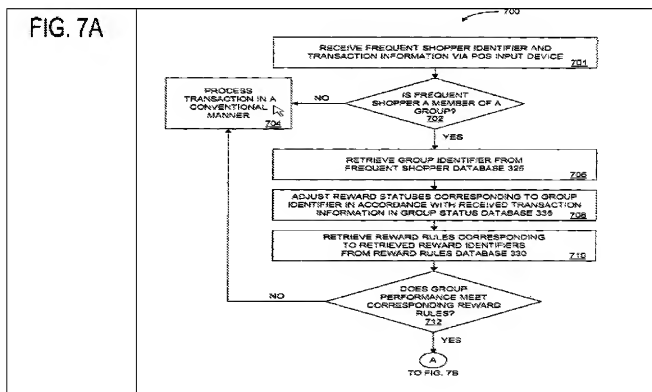
Furthermore, Walker teaches when a customer makes a payment on a transaction, "...The point-of-sale terminal may record the purchases made by the customer and send the purchase record to the network server for storage...", Col. 3: 44-53),

wherein,

when the second detector detects customer identification information of the customer, customer identification information for another customer who belongs to the same group as the customer belongs is read from said customer information storage device, and if customer identification information of another customer is stored in said visiting-customer information storage device, and if a difference between a detection time at which the customer identification information is detected by the first detector and a detection time at which the customer identification information of said another customer is detected by the first detector falls within a predetermined period of time

(Walker discloses , "...a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of

time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases...", Col. 3:17-28). The Examiner notes that it is inherent that depending of the "program conditions or rules" the host computer can not only detect that a member belongs to a particular group but also that the members are present at the same transaction period of time to process the reward, (Fig. 7A).



at which the customer is recognized to belong the group, a reward is given to the customer detected by the second detector

(Walker discloses a "shopping team" program, more than one customer is a team. In a team all the members belong to the same group. Also a group

or team may be integrated by two members, a customer and a visiting customer, "...frequent shopper program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions. The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers...", Col. 2: 45-55.

In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "the customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server", Col. 3: 34-40. Next, regarding to conditions the group must satisfy to get the reward Walker states "a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)", Col. 3: 61-67, Col. 4:1-26.

Finally, Walker teaches that the reward may be a one time reward, "the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ", Col. 4: 41-45).

For purposes of examination, prior art is interpreted to meet the limitation where prior art discloses that customers from the same group can be detected to be at the store when each customer makes a payment, a purchase, Col. 3:34-40, and when the time limit , frame or time difference, for making qualifying purchases for a group is established as a condition for a reward, Col. 3:17-28

But Walker does not disclose a customer that is recognized to have come with another member of the group.

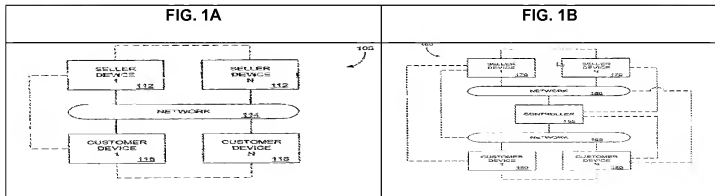
However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many

purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would perceive an increase in profits, customer loyalty and satisfaction.

As to claim 2, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said storage medium is a radio-frequency identification (RFID) tag

(Walker discloses in Figs. 1A and 1B a system comprising a seller device, a customer device and a network or a plurality of them. In Col. 6: 40-45, Walker discloses that the customer and seller devices can communicate over radio frequency (RF). The customer device, of his invention may comprise a radio frequency transceiver, Col. 8:16-29. Also the seller device of his invention may comprise a radio frequency transceiver, Col. 9:35-50).



As to claim 6, Walker teaches a system according to claim 1 above, and Walker further discloses wherein said terminal is a point-of-sales.(POS) terminal

(Fig. 1A, the seller device, may comprise a point-of-sale terminal, Col. 5:19-38).

As to claim 7, Walker teaches a system according to claim 1 above, and Walker further discloses a host computer that judges whether a customer has come with another member of a group to which he /she belongs, wherein:

(Walker's system comprises a controller (host computer) operated on or in behalf of a retailer that has implemented a group reward program.

Further, Walker's controller stores (obtains) data from seller device and customer device, such information is useful to correlate data in a group reward program, Col. 6: 56-67, Col. 7: 1-43, Fig. 1B), wherein:

when said second detector detects customer identification information, said terminal reads customer identification information for another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said host computer of the read customer identification information

(Walker's system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , "the customer, when at a point-

of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server", Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26); and

when the customer identification information for another customer who belongs to the same group as said customer is stored in said visiting-customer information storage device, and the difference between a detection time at which the customer identification information on said customer is detected and a detection time at which the customer identification information said another customer is detected falls within a predetermined period of time, said host computer judges that said customer has come with another member of the group

(Walker teaches that his system can combine different approaches and rules or conditions to grant rewards, Col. 3: 61-67, Col. 4:1-26. Some of those rules may be the number of customers present at the time of the automatic reward redemption which is initiated when the point-of-sale receives a frequent-shopper-identifier, Figs. 7A, 7B and 7C, Col. 14:41-67, Col. 15:1-48 . Then, the system verifies if the shopper is a member of a group and it retrieves rewards rules for the group, Fig. 7A. Furthermore, Walker's system stores in a database customized reward rules for each group, such as "two customers, the customer and the

visiting customer, must be present with a lapse of time of 5 minutes at the point of sale to grant a reward", Fig. 5, Col. 11:35-67, Col. 12: 1- 18).

But Walker does not disclose a host computer that judges whether a customer has come with another member of a group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer not only to store information but to relate data of all the members of a group, generating satisfaction to the merchant and the customer.

As to claim 9, Walker teaches a visiting customer management system comprising:

a storage medium carried by a customer, that stores at least customer identification information of the customer;

a first detector that detects in a non-contact manner the customer identification information stored in said storage medium and identifies a visiting customer in a shop

(Walker teaches a customer device that may be any computer device operable i.e. a personal computer (PC), personal digital assistant (PDA), a cellular phone and the customer devices may communicate over radio frequency (RF), infrared (IR), cable, etc, Col 5: 49-67, Col 6:1-55, Col. 8: 4-15.

Further Walker discloses that the customer device of his invention has a storage medium. Col. 8: 16-29. Further, his system has a customer identifier, Col. 3: 29-40.

Furthermore, Walker discloses that his devices inter-network between them, communicating (detecting) and storing information, Col. 3:34-53 and Fig. 1A and Fig. 1B , Col. 5: 4-18, Col. 5:19-38.

Furthermore, Walker adds, "Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices

112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof", Col. 6: 26-46);

a customer information storage device that stores in advance at least the customer identification information and a group to which said customer belongs

(Walker discloses a seller device that in one of its embodiments registers one or more customers for a group reward, "upon registration in a group reward program, each customer in the group may, for example, receive a frequent shopper card that contains an identifier corresponding to the customer and/or an identifier corresponding to the group to which the customer belongs...", Col. 3 : 29-40, Col 5: 4-18.); and

a terminal including a second_detector that detects customer identification information of the customer that makes payment, wherein:

when said second_detector detects the customer identification information on said customer

(Walker's system has a series of terminals (client and customer devices) inter-networking between them, this allows that if one terminal recognizes a customer identifier, other point of sale terminal may recognize another customer that belongs to the same group , "the customer, when at a point-

of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer.

The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server", Col. 3: 29-53, Col. 3: 61-67, Col. 4:1-26); and then

said first detector obtains customer identification information on other customers that are present in said shop; and

if customer identification information on another member of the group to which said customer belongs corresponds to one of the pieces of customer identification information of other customers that are present in said shop a reward is given to said customer detected by said second detector

(Walker discloses a "shopping team" program, "...a frequent shopper program that allows individual customers to register with a retailer or other entity as a group and allows the group to earn a reward from the retailer or other entity based on the group's satisfaction of one or more conditions.

The one or more conditions may comprise, for example, purchasing conditions that define purchases (e.g., a number and/or value of purchases) the group has to complete at one or more retailers...", Col. 2: 45-55.

In addition, Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "...the

customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server...”, Col. 3: 34-40.

Furthermore, Walker’s solution comprises , “Network 114 can be a wire or wireless network... It should be understood that communication between seller devices 112 and customer devices 116 may be direct or indirect. For example, communication may be via the Internet through a Web site maintained by a retailer associated with one or more of the seller devices 112 on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency (“RF”), infrared (“IR”), cable TV, satellite links and the like, including combinations thereof”, Col. 6: 26-46);

As to claim 10, see the discussion of claims 9 and 2.

As to claim 11, see the discussion of claims 9 and 6.

As to claim 12, Walker teaches a system according to claim 9 above, and Walker further discloses a first detector that is arranged so that it can simultaneously detect the pieces of customer identification information on all the customers that are present in said shop

(Walker's system comprises one or more seller devices that can communicate with one or more customer devices over a network. Fig. 1A, Col. 4: 51-57. Further Col. 3: 29-40.

Next, Walker teaches, "...one or more of the customer devices 116 and one or more of the seller devices 112 may communicate over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like, including combinations thereof. It should be understood that devices in communication with one another may or may not communicate continuously...", Col. 6:40-45).

Next, regarding to conditions the group must satisfy to get the reward Walker states "a specific time or times during which purchases must be made by one or more customers...the reward may be given to the group up-front at the time of its registration, before any predetermined condition(s) have been satisfied (e.g., before qualified purchases have been made)", Col. 3: 61-67, Col. 4:1-26.

Finally, Walker teaches that the reward may be a one time reward, "the present invention is not necessarily a one-time reward but may be a reward that the group continues to earn and obtain as long as it meets the conditions associated with the reward ", Col. 4: 41-45).

But Walker does not directly disclose a customer that is recognized to have come with another member of the group.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, **Pierre Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant would monitor a customer that refers a plurality of customers. This generates a sense of system trustworthiness between the parties and customer satisfaction since more customers' referral implies more rewards for the customer.

As to claim 14, Walker discloses a system according to claim 9 above, further Walker discloses a host computer, wherein:

when said second detector detects the customer identification information on said customer, said terminal notifies said host computer of the detected customer identification information

(Walker's system comprises a controller such as a store server that is in communication with one or more point-of-sale terminals, Col. 7: 5-43);

said host computer obtains customer identification information on another customer, who belongs to the same group as said customer, from said customer information storage device, and notifies said terminal of the customer identification information on another customer

(Walker discloses a customer device that contains identification corresponding to the customer and to the group, and a seller device, Col. 5:16-17, which may communicates (detects) with one or more customers devices, Col 6: 40-45); and

if one of pieces of customer identification information for other customers that are present in said shop corresponds to the customer identification information for said another member who belongs to the same group as said customer, said terminal judges that said customer has come with another member of the group

(Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, Col. 3: 34-40, Col. 3: 61-67, Col. 4:1-26).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group or a plurality of members of the group to which he/she belongs.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, Pierre **Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host computer to relate data of a first and second customer and all the plurality of customers that are visiting the store or establishment with said first and second customer. This generates satisfaction and a sense of system reliability.

As to claim 19, Walker discloses a system according to claim 9 above, further Walker discloses comprising a host computer (controller, Fig. 1B, Col. 6:56-67, Col 7: 5-43),

wherein said host computer is notified of the detected customer identification information by said second detector and the detected pieces of customer identification information on the other customers that are present in said shop by said first detector

(Col. 2: 45-55, Col. 3: 34-40, Col. 3: 61-67, Col. 4:1-26, Col. 4: 41-45);

and

if customer identification information on another member of the group to which said customer belongs corresponds to one of the pieces of customer identification information on the other customers that are present in said shop,

(Walker indirectly discloses that the visiting-customer information storage device (point-of-sale or point-of-purchase) recognizes that a customer have come with another member of the group, "...In order to become eligible to receive the reward, a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases..." , Col. 3: 34-40).

The Examiner notes that it is inherent that depending of the " program conditions or rules" the host computer can not only detect that a member belongs to a particular group but also that the members are present at the same transaction period of time to process the reward, (Fig. 7A).

But Walker does not directly disclose a host computer that judges whether a customer has come with another member of a group or a plurality of members of the group to which he/she belongs and notifies said terminal of the result of the judgment.

However official notice has been taken that is old and well known in the commerce art to bring another client or potential client so that familiar presence is a factor that influence customer purchasing, decision-making behavior or purchasing behavior, in addition using rewards is a powerful incentive for clients to provide referrals to the merchant. For example, Pierre **Filiatrault et al. The journal of consumer research. Vol. 7, No. 2, Sep. 1980, pages 131-140**, elaborates a studio about purchase behavior and joint buying behavior. Regarding consumer decisions, he explicitly recognizes the importance of the fact of interaction among family members or friends in the purchase process of products and services. He also states that many purchases decisions within the family are a joint choice process that has been recognized for some time.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Walker with the commonly recognized practice of bring another member of the group to support the purchase decision process and get a reward, because a merchant can use the integration capability of a host

computer to relate data of a first and second customer and all the plurality of customers that are visiting the store or establishment with said first and second customer. This generates satisfaction and a sense of system reliability.

As to claim 15 and 20, see the discussion of claims 14, 19 and 2.

As to claim 16 and 21, see the discussion of claims 14, 19 and 6.

As to claim 17 and 22, see the discussion of claim 14, 19 and 12.

Response to Arguments

3. Applicant's arguments filed on 08/24/2009 have been fully considered but they are not persuasive.

4. Claims 1 and 9: Applicants argue

The Action asserts that Walker discloses the "first detector" of claim 1 and points to figures 1A and 1B and parts of columns 3, 5, 6 and 8 in Walker. This text and the figures of Walker discuss interaction between seller devices, customer devices, networks and a controller when the customer is facilitating a purchase. However, there appears to be nothing said about, in a non contact manner, detecting customer identification information on the storage and identifying a visiting customer in the shop ("detects in a non-contact manner the customer identification information stored in said storage medium and identifies a visiting customer in a shop") as now clarified in claim 1). Filiatrault (and the Official Notice) has not been shown to add anything to Walker with respect to the feature discussed above.

The Examiner respectfully disagrees with the argument from the Applicants because, first of all, Walker combined with the official notice disclose all the limitations on the claims.

Secondly, regarding to "detects in a non-contact manner", it is inherent that if Walker's solution comprises point of sale or point of purchase terminals, which are connected via

network through radio frequency ("RF"), infrared ("IR"), they are connected in a non-contact manner, Col. 5: 4-18, Col. 5:19-38, Col. 6: 26-46.

Finally, The Examiner notes that in previous office actions the Applicant did not traverse the Examiner's interpretation of the limitation "...detects in a non-contact manner...". If applicant does not seasonably traverse well known statements during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03
Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

5. Applicants argue that "...

claim 1 calls for giving a customer a reward when another related customer is detected in the store within a certain period of time of a payment by the customer.
when the second detector detects ... another customer who belongs to the same group as the customer ... and if customer identification information of another customer is stored in said visiting-customer information storage device, and if a difference between a detection time. falls within a predetermined period of time ... a reward is given to the customer detected by the second detector (See Claim 1)

That is, the reward is give for the presence in the store of the other related person. The Action points to Walker at col. 3, lines 17-28 for this feature. This Walker text discusses giving a reward when purchases are made within a time limit: In order to become eligible to receive the reward, a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases, such as between the dates of Jun. 1, 1998 and Jul. 1, 1998.

(See Walker, col. 3, lines 17-28)

That is, to get a reward in Walker purchases must be within a certain time limit. This is very different from giving a reward when presence another related person is detected in the shop within a time period of a purchase as called for in claim 1.

The Examiner respectfully disagrees with the argument from the Applicants because first of all, Walker teaches that members of a group can be recognized by his system, "one or more seller devices 112 communicate with one or more customer devices 116

via a network 114", Col. 4: 51-57. Further, the recognition can be made at point of sale terminal, "...The customer, when at a point-of-sale terminal or other point-of-purchase, may provide the card and/or identifier each time he or she undertakes a transaction with the retailer. The point-of-sale terminal may be coupled with other point-of-sale terminals through a network server...", Col. 3:34-40.

Secondly, to judge that a customer that belongs to a group has come with another customer that belongs to the same group, a frame or time difference needs to be defined. Walker teaches that conditions and rules can be established to earn a reward and one of those conditions may also include a time limitation within which the purchases are to be achieved by the group, "...a group must satisfy certain conditions established by the group reward program. For example, a condition may be a number of purchases or a value (e.g., dollar amount) of purchases to be achieved. A condition may also include a time limitation within which the purchases are to be achieved. The time limitation may be a standard measurement of time, such as a day, a week, a month or a year. A condition may further include a specific time period for making qualified purchases...", Col. 3:17-28.

Thirdly, for purposes of examination, prior art is interpreted to meet the limitation where prior art discloses that customers from the same group can be detected to be at the store when each customer makes a payment, a purchase, Col. 3:34-40, and when the time limit, frame or time difference, for making qualifying purchases for a group is established as a condition for a reward, Col. 3:17-28.

Finally, Walker combined with the official notice disclose all the limitations on the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Weinhardt can be reached on 571 272 6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. V./
Examiner, Art Unit 3688
12/11/2009

/ROBERT WEINHARDT/
Supervisory Patent Examiner, Art Unit 3688